

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AL GENE FISHER, JR.,

No. 2:22-cv-01965-DAD-DB (PC)

Plaintiff,

v.

T. GALYEN, et al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION AS DUPLICATIVE

Defendants.

(Doc. No. 7)

Plaintiff Al Gene Fisher, Jr. is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 16, 2023, the assigned magistrate judge issued findings and recommendations recommending that the complaint be dismissed as duplicative of *Fisher v. Galyen et al.*, No. 2:22-cv-01952-JDP, and that plaintiff's motion to proceed *in forma pauperis* be denied as moot. (Doc. No. 7.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within twenty (20) days after service. (*Id.* at 6.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

5 1. The findings and recommendations issued on March 16, 2023 (Doc. No. 7) are
6 adopted in full;

7 2. Plaintiff's complaint (Doc. No. 1) is dismissed as duplicative;

8 3. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied as moot;
9 and

10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: May 17, 2023



UNITED STATES DISTRICT JUDGE

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